

Serial No. 10/648,805

Attorney Docket No. 14-018

REMARKS

Claims 1-32 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Rejection under 35 USC 112

Claims 1-32 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

The office action states that it is not clear what is meant by creep phenomenon, creep driving mode, and target creep speed. However, the specification makes these terms clear. Furthermore, as mentioned in the Amendment of 12 February 2006, one skilled the art would understand these terms not only from the specification but from the use of the term "creep" in published materials relating to vehicles. A keyword search in the field of vehicle transmissions bears this out. In addition, the primary reference used to reject the claims (Kajiwarra) uses the term "creep" throughout its specification. It is disingenuous of the examiner to claim that the term "creep" is not understandable while applying a reference that clearly describes creep and uses the term creep numerous times.

The term "creep" appears throughout the specification and can be understood from its usage. For example, original claim 1 describes that creep control occurs when "a driver of a vehicle does not have either one of an intention to accelerate the vehicle and an intention to maintain stopping of the vehicle." This phrase essentially defines the conditions under which "creep" occurs. This vehicle behavior is well understood by anyone who has driven a vehicle with automatic transmission. When the transmission is in gear, the driver is not braking and not depressing the accelerator, and the engine is idling, the vehicle will normally creep. Once the

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term "creep" is understood, terms like "creep phenomenon" "creep driving mode" and "target creep speed" are not difficult to understand.

For the examiner's convenience, US patents 6,590,299; and 7,025,708 have been cited in the IDS of 5 September 2006 to show that the term "creep" is well known and in the art. US patent No. 6,590,299 uses the terms "creep" and cites other patents that relate to vehicle creep in col. 2, lines 12-35. US patent 7,025,708 uses the term "creep drive mode" in column 1, line 12 and at other locations throughout the patent. These and other published materials show that the term "creep" is well understood in the art.

Nevertheless, the applicants have removed "creep" from the definition of the predetermined target speed in the claims. As for the term "creep driving mode" and "target creep speed," the term "creep" is merely part a name in these terms; thus, only a general understanding of the word "creep" is required. A dictionary can provide the required understanding.

Note that "creep" was not coined by the applicants. The term appears in the dictionary, and the ordinary dictionary definition of "creep" is sufficient to provide support for the use of the term "creep" in terms such as "creep driving mode" and "target creep speed." Further, the meaning of the term "creep" from the Kajiwara reference also illustrates that the term "creep" is sufficiently known in the art to support its usage in a name such as "target creep speed" or "creep driving mode." See column 6, lines 24-28 of the Kajiwara patent. As stated in the Kajiwara patent, creep is a well-known phenomenon.

Since the term "creep" has been removed from the definition of the predetermined target speed, there is no need for precision in the definition of "creep," and the claims should be fully definite. Therefore, this rejection should be withdrawn.

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Rejection under 35 USC 102(b)

Claims 1-32 were rejected under 35 USC 102(b) as being anticipated by Kajiwara. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 1 has been amended to recite that the target speed is calculated in accordance with a driving operation of the driver during a starting auxiliary control. This amendment is supported on line 1 of page 30, to line 10 of page 31 and by Fig. 6. Further, claim 1 has been amended to recite that an upper limit of the fixed range is 10 km/h, which is supported on page 32, line 22, of the specification.

According to claims 1 and 2, the target speed is calculated in accordance with a driving operation of the driver. The speed of the vehicle is adjusted to approach the target speed by continuously controlling the braking. The patent to Kajiwara fails to disclose or suggest this feature.

According to the Kajiwara reference, the vehicle speed control, in which the vehicle speed is adjusted to a target speed, is executed when neither the brake pedal nor the accelerator is operated. Therefore, even if the target speed has been set under the vehicle speed control, when the driver is not satisfied with the speed, the driver has to adjust the vehicle speed by depressing the accelerator or the brake pedal to reset the target speed. Therefore, claims 1 and 2 are patentably distinguished from Kajiwara, and this rejection should be withdrawn.

New claims

Claims 33-35 are new. Claims 33-35 depend on claims 1 or 2 and are thus considered to be patentable for the reasons given above with respect to claims 1 or 2 above. In addition, in claims 33 and 34, the master cylinder pressure is not transmitted to the wheel cylinders during the starting auxiliary control to adjust the vehicle speed. Therefore, the master cylinder pressure,

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which is variable based on the operation of the brake pedal, does not affect the starting auxiliary control. This feature is not disclosed or suggested by the Kajiwara patent.

Claim 35 depends on claim 2 and specifies that the starting auxiliary control is executed such that the vehicle speed becomes a value within a fixed range, an upper limit of which is 10 km/h. The patent to Kajiwara fails to disclose or suggest this feature.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


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